

Regular Session, 2010

HOUSE BILL NO. 1453

BY REPRESENTATIVE JOHNSON

MALPRACTICE/MEDICAL: Excludes health care providers who perform certain abortions from coverage under the state and private Medical Malpractice Acts

1 AN ACT

2 To enact R.S. 40:1299.39(A)(1)(a)(iv)(dd) and 1299.41(K), relative to medical malpractice;
3 to exclude health care providers performing elective abortions from coverage under
4 the Medical Malpractice Act and the Medical Malpractice Act for State Services; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.39(A)(1)(a)(iv)(dd) and 1299.41(K) are hereby enacted to
8 read as follows:

9 §1299.39. Definitions and general application

10 A. As used in this Part:

11 (1)(a) "State health care provider" or "person covered by this Part" means:

12 * * *

13 (iv)

14 * * *

15 (dd) However, no person or entity referenced in this Part shall be considered
16 a "state health care provider" or "person covered by this Part" when performing the
17 elective termination of an uncomplicated viable pregnancy.

18 * * *

19 §1299.41. Definitions and general applications

20 * * *

21 K. The provisions of this Part shall not apply to any health care provider
22 when performing the elective termination of an uncomplicated viable pregnancy.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Johnson

HB No. 1453

Abstract: Excludes health care providers from coverage under the state and private Medical Malpractice Acts when performing elective abortions.

Proposed law provides that health care providers are not covered by the state or private Medical Malpractice Acts when performing the elective termination of an uncomplicated viable pregnancy.

(Adds R.S. 40:1299.39(A)(1)(a)(iv)(dd) and 1299.41(K))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Clarified that the Medical Malpractice Acts do not apply to certain health care providers when they are performing an elective termination of an uncomplicated viable pregnancy.